

Memorandum of Understanding

EDS #BUI-X-XXXX

This Memorandum of Understanding ("MOU") is made and entered into this [REDACTED] day of November, 2016 between the Indiana Department of Education ("IDOE") and the Indiana State Board of Education ("SBOE").

WHEREAS, IDOE is an agency of the State of Indiana operating under Indiana Code 20-19-3; and

WHEREAS, SBOE is an agency of the State of Indiana operating under Indiana Code 20-19-2; and

WHEREAS, pursuant to Indiana Code section 20-19-2-19(a), SBOE shall receive, distribute, and account for all funds received for career and technical education under the Carl D. Perkins Vocational and Applied Technology Act, as reauthorized in 2006 as the Career and Technical Education Improvement Act of 2006 (20 U.S.C. 2301 et seq.) ("Perkins");

WHEREAS, IDOE has been administering Perkins funds on behalf of SBOE since IC 20-19-2-19 was amended in 2011; and

WHEREAS, SBOE is a financially and operationally separate unit of government from IDOE; and

WHEREAS, the parties desire to formalize their relationship in order to permit IDOE to continue to administer Perkins funds for the period 10/1/2016—09/30/2017; and

WHEREAS, Financial Management Circular 2009-02 requires the following language for termination of MOUs be included in all MOUs: "When the Director of the State Budget Agency makes a written determination that funds are not appropriated or otherwise available to support continuation of performance of this memorandum, the memorandum shall be cancelled. A determination by the Director of the State Budget Agency that funds are not appropriated or otherwise available to support continuation of performance shall be final and conclusive."

IT IS THEREFORE AGREED:

- (1) Subject to the requirements contained in section (2) of this MOU, pursuant to IC 20-20-38-14(b), SBOE hereby delegates to IDOE the authority to administer Perkins funds for the period 10/01/2016–09/30/2017, including:
 - a. SBOE's authority to enter into agreements with the federal government that may be required as a condition of receiving Perkins funds under IC 20-20-38-6(6); provided however, that such agreements remain subject to the approval of the budget agency; and
 - b. SBOE's duty to make recommendations to the budget committee concerning the allocation of federal Perkins funds; provided however, that such recommendations must comply with the requirements of IC 20-38-12(b).

- (2) In order for SBOE to satisfy its statutory obligations under IC 20-19-2-19(a) to account for all Perkins funds:
 - a. IDOE shall submit to SBOE for SBOE review and approval the annual State plan submission required by the U.S. Department of Education as a pre-requisite to receiving Perkins funds, including the recommendations to the budget committee concerning the allocation of federal Perkins funds required by IC 20-20-38-12(b). IDOE also shall submit to SBOE for its review and approval any amendments it makes to the State plan during the applicable Federal funding period. SBOE reserves the right to require modifications to the provisions of the State plan, including the budget committee recommendations, to the extent not prohibited by federal law.
 - b. IDOE shall submit quarterly reports to SBOE detailing actual distribution of Perkins funds. The quarterly reports shall include:
 - i. Unspent funds from previous program periods;
 - ii. Allocations projected for future activities, by purpose;
 - iii. Grants to be issued with associated funding and purpose; and
 - iv. Funds held back for other purposes, with explanation.

This MOU is not a sub-grant. All Perkins funds received for the Federal funding period 10/01/2016–09/30/2017 will remain with and be disbursed by IDOE. This MOU does not cover Perkins funds received for future Federal funding periods.

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IN WITNESS THEREOF, the Indiana Department of Education and the Indiana State Board of Education have executed this memorandum of understanding by their duly authorized representatives, subject to the terms and conditions as set forth above:

INDIANA DEPARTMENT OF EDUCATION ("IDOE")

INDIANA STATE BOARD OF EDUCATION ("SBOE")

Executed by:

Executed by:

Glenda Ritz,
Superintendent of Public Instruction

John Snethen,
Executive Director, Indiana State Board of Education

Date: _____

Date: _____

STATE BUDGET AGENCY

Approved by:

_____ (for)
Brian Baily,
State Budget Director

Date: _____